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R.C. 121.93 Required Report

- 1) **Date: 04/04/23**
- 2) **Agency: Ohio Casino Control Commission (“Commission”)**
- 3) **Agency Contact**
 - a) Name: **Andromeda Morrison, General Counsel & Director of Skill Games**
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- 4) Provide the number of operations reviews that your agency completed during the governor’s recently expired term.

During the governor’s recently expired term, the Commission completed 12 operations reviews. Please see below for a description of the reviews. In addition, the Commission developed Agency 3775 of the Administrative Code, as described below, that implement the Commission’s regulatory operations for sports gaming in Ohio.

- 5) List any principles of law or policies described in [R.C. 121.93\(A\)](#) that your agency identified in your operations review(s).
 - A) 2/26/19—Pursuant to the five-year review process, the Commission reviewed its rules relating to casino surveillance systems, responsibilities of surveillance departments, and procedures governing the Commission’s on-site surveillance rooms. Specifically, rules 3772-10-02, 3772-19-01, -02, -03, -04, 05, -06, -07, -08, -09, and -10 were amended. Many of the changes were small housekeeping amendments to clean up and clarify rule language. The Commission identified principles of law or policy related to executive director approval. Thus, one consistent change, a reflection of present practice, was codifying the Executive Director’s approval authority throughout the rule, given that role’s responsibility to administer casino gaming pursuant to R.C. 3772.06. This allowed for day-to-day casino operations to generally be more dynamic, without sacrificing regulatory oversight. In addition, the change asserted the general and uniform operation of the principle of law or policy of executive approval and made the policy more easily understandable.

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- B) 2/27/19—The Commission reviewed its rules related to poker, table game, and slot machine tournaments. The specific rules reviewed included 3772-10-22, -29; 3772-11-01, -11, -18, -21, -25, -35, -42, -43; 3772-13-01, 02, 03; and 3772-14-01, -02, -03. This review resulted in the introduction of the new umbrella term “player against player contests,” which encompasses poker, poker tournaments, table games tournaments, and slot tournaments – wherein the only stake the casino operator has a rake, which includes commissions and entry fees. Because of this new designation, the amendments sought to distinguish three separate items that require different levels of regulatory scrutiny: advertisements, promotions, and player against player contests. One additional consistent change, a reflection of present practice, was codifying the Executive Director’s approval authority throughout the rule, given that role’s responsibility to administer casino gaming pursuant to R.C. 3772.06. This allowed for day-to-day casino operations to generally be more dynamic, without sacrificing regulatory oversight. In addition, the changes asserted the general and uniform operation of the principle of law or policy of executive approval and made the policies of law outlined above more easily understandable.
- C) 7/17/19—The Commission reviewed its rules related to electronic gaming equipment and table games operations. Specifically, the rules reviewed included 3772-9-02, 3772-10-18, and 3772-11-17. The Commission identified principles of law or policy related to executive director approval. Thus, one consistent change, a reflection of present practice, was codifying the Executive Director’s approval authority throughout the rule, given that role’s responsibility to administer casino gaming pursuant to R.C. 3772.06. This allowed for day-to-day casino operations to generally be more dynamic, without sacrificing regulatory oversight. In addition, the change asserted the general and uniform operation of the principle of law or policy of executive approval and made the policy more easily understandable.
- D) 3/13/20—The Commission reviewed its Type-C skill-based amusement machine location rule in 3772-50-08 and determined that there was not an application and license fee waiver provision for location licensees who already held an operator license. The Commission identified that a similar principle of law existed in its other rules related to those who maintain a vendor and operator license. Thus, the Commission adopted an amendment to 3772-50-08 to allow for the waiver outlined above. This change asserted the general and uniform principle of waivers and made the policy more easily understandable.
- E) 8/19/20—Pursuant to the five-year review process, the Commission reviewed its rules relating to complimentaries, credit, chips, and table games. In reviewing these rules, staff looked to determine whether all aspects of each rule were still necessary, needed amendment, or conflicted with other rules, as well as whether each requirement was the most effective, efficient, and legally compliant method of accomplishing its purpose. Specifically, the rules reviewed included 3772-10-09, -20, -23 and 3772-11-13, -14, -31, -33, -34, and -37. The amendments to these rules removed unnecessary language and

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streamlined rule language. As a result, the changes to these rules make the principles of law identified in these rules more easily understandable to the public and regulated community.

- F) 3/17/21—Pursuant to the five-year rule review process, the Commission reviewed its rules from Ohio Adm.Code Chapters 3772-1 (General Provisions), -2 (Ohio Casino Control Commission), and -4 (Casino Operator, Management Company, and Holding Company Licenses). Many of the revisions to these rules improved clarity or readability, and reduced redundancies. As a result, the changes to these rules make the principles of law identified in these rules more easily understandable to the public and regulated community.
- G) 4/28/21—Pursuant to the five-year rule review process, the Commission reviewed its rules from Ohio Adm.Code Chapters. 3772-7 (Insurance), -9 (Electronic Gaming Equipment) (“EGE”), -17 (Approval of Third-party Engineering and Accounting Firms), and -29 (Debt Transactions). Many of the revisions to these rules improved clarity or readability, and reduced redundancies in and between the Administrative and Revised Codes. As a result, the changes to these rules make the principles of law identified in these rules more easily understandable to the public and regulated community.
- H) 5/19/21—Pursuant to the five-year rule review process, the Commission reviewed its rules from (Ohio Adm.Code Chapters 3772-22 (Disciplinary Actions) and 3772-23 (Involuntary Exclusion). Many of the revisions to these rules improved clarity or readability, and reduced redundancies in and between the Administrative and Revised Codes. As a result, the changes to these rules make the principles of law identified in these rules more easily understandable to the public and regulated community.
- I) 7/21/21—Pursuant to the five-year rule review process, the Commission reviewed its rules from Ohio Adm.Code Chapters 3772-3 (Institutional Investors), -5 (Key Employee Licenses), -6 (Gaming-Related Vendor Licenses), and -8 (Casino Gaming Employee Licenses). Many of the revisions to these rules improved clarity or readability, and reduced redundancies in and between the Administrative and Revised Codes. As a result, the changes to these rules make the principles of law identified in these rules more easily understandable to the public and regulated community.
- J) 10/4/21—Pursuant to the five-year rule review process, the Commission reviewed its rules from Ohio Adm.Code Chapter 3772-10 (Internal Control Systems). Many of the revisions to these rules improved clarity or readability, and reduced redundancies in and between the Administrative and Revised Codes. Some consistent changes made throughout these rules include better specifying when an action is required to be taken by the Commission at a public meeting, the executive director, or by staff of the agency. Additionally, many changes were made to update, streamline, and standardize rule language. These changes asserted the general and uniform principles principals of law and made the policy more easily understandable.

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- K) 11/17/21—Pursuant to the five-year rule review process, the Commission reviewed its rules from Ohio Adm.Code Chapters 3772-11 (Table Games), as well as Ohio Adm.Code 3772-14-01. Many of the revisions to these rules improved clarity or readability, and reduced redundancies in and between the Administrative and Revised Codes. Some consistent changes made throughout these rules include better specifying when an action is required to be taken by the Commission at a public meeting, the executive director, or by staff of the agency. Additionally, many changes were made to update, streamline, and standardize rule language. These changes asserted the general and uniform principles of law and made the policy more easily understandable.
- L) 1/20/22—Pursuant to the five-year rule review process, the Commission reviewed its rules from Ohio Adm.Code Chapters 3772-15 (Independent Testing Laboratories) and 3772-20 (Security Services). Many of the revisions to these rules improved clarity or readability, and reduced redundancies in and between the Administrative and Revised Codes. Some consistent changes made throughout these rules include better specifying when an action is required to be taken by the Commission at a public meeting, the executive director, or by staff of the agency. Additionally, many changes were made to update, streamline, and standardize rule language. These changes asserted the general and uniform principles principals of law and made the policy more easily understandable.
- M) 12/2021 through 12/2022—Pursuant to the adoption of HB 29 of the 134th General Assembly, the Commission began the development and implementation of rules pertaining to legalized sports gaming in Ohio. Although this process did not implicate an operation review as directly contemplated by R.C. 121.93, the wholesale development of a new regulatory platform necessitated the Commission to review its entire operational structure including licensing, compliance, and enforcement of current law. This process ensured the Commission crafted administrative regulations in compliance with its statutory mandate as well as its day-to-day operations in a thoughtful and efficient manner. The result of this process was the promulgation of Agency 3775 of the Administrative Code, reflecting the Commission’s interpretation and implementation of Ohio’s sports gaming control law. The rule making process allowed for extensive stakeholder engagement in both the informal and formal rule filing process and the adopted rules provide consistency and clarity to the regulated community and the public.

6) Describe your agency’s considerations regarding the identified principles of law or policies under [R.C. 121.93\(B\)](#).

Many of the changes outlined above were made to update, streamline, and standardize rule language. In addition, the changes often reduced regulatory redundancies. These changes asserted the general and uniform principles principals of law and made the policies more easily understandable to the public and the regulated community. All the rules reviewed enabled public participation via the informal and formal public comment periods. The public

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comment process also enabled the identified principles of laws to be better known in advance of its application.

7) List any principles of law or policies for which your agency determined rulemaking is indicated or for which your agency has commenced the rulemaking process under [R.C. 121.93\(C\)](#).

The Commission made the changes outlined above and those changes have been implemented into the current version of the Commission's regulations.